

(P)

<i>Notice of Allowability with the exr's amendment and reasons for allowance</i>	Application No.	Applicant(s)	
	10/763,967	ZELMAN, GARY MARTIN	
	Examiner	Art Unit	
	Huy K. Mai	2873	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the panel decision mailed Oct. 3 and the telephone interview Oct. 17, 2005.
2. The allowed claim(s) is/are 15-28. Claims 1-14 have been canceled.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with David Kogan on Oct. 17, 2005.

The application has been amended as follows:

25. (currently amended) Apparatus for attaching auxiliary eyeglasses to conventional eyeglasses comprising: temple extensions on said conventional eyeglasses having first mating surfaces; appendages on said auxiliary eyeglasses, all said appendages having second mating surfaces; said second mating surfaces capable of being mounted solely below said first mating surfaces by magnetic attraction whereby said auxiliary eyeglasses are capable of being removably secured to said conventional eyeglasses such that said auxiliary eyeglasses are aligned with said conventional eyeglasses.

26. (currently amended) A method of attaching auxiliary eyeglasses to conventional eyeglasses comprising: providing a single appendage on each of two sides of said auxiliary eyeglasses, each appendage having magnetic material that is capable of fitting solely below and mating with magnetic material on said conventional eyeglasses; whereby said auxiliary eyeglasses are capable of being removably secured to said conventional eyeglasses such that said auxiliary eyeglasses are aligned with said conventional eyeglasses.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: An appeal conference held on Sept 30, 2005 agrees that the limitations "each appendage having magnetic material that is capable of fitting solely below and mating with magnetic material on said conventional eyeglasses" combination with "such that said auxiliary eyeglasses are aligned with said conventional eyeglasses" would overcome the 112 problems and overcome the 103 rejection over the Chao reference. The prior art does not disclose or fairly suggest, by themselves or in combining with any other reference, to meet a combination of all the limitations as claimed in claims 15,24-28. Therefore claims 15-28 could be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy K. Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Mai
Primary Examiner

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Art Unit: 2873

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October 18, 2005